



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,359	06/23/2003	Richard H. Davidson	LIT-021	7098
7590	01/04/2006		EXAMINER	
Arnold D. Litt Herten Burstein Sheridan Cevasco Bottinelli & Litt Court Plaza North 25 Main Street Hackensack, NJ 07601			AIRAPETIAN, MILA	
			ART UNIT	PAPER NUMBER
			3625	
DATE MAILED: 01/04/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/600,359	DAVIDSON ET AL.
	Examiner Mila Airapetian	Art Unit 3625

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 23 June 2003.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-13 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 23 June 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/23/2003.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-13 rejected under 35 U.S.C. 102(e) as being anticipated by Boyden et al. (US 2002/0082733).**

Boyden et al. (Boyden) teaches a system for flavor processing, comprising:

**Claim 1.** A system for the distribution of flavors, comprising:

a plurality of consumer workstations linked to a central processing hub [0015]; [0019];

the central processing hub including means for providing consumers with information regarding flavors, the means for providing including a flavor search system through which a consumer may identify desired flavor based upon a series of input criteria [0015]; [0016].

**Claim 2.** Said system wherein the criteria includes general flavor type (broad level of selection) [0016].

**Claim 3.** Said system, wherein the criteria further includes flavor descriptors [0016].

**Claim 4.** Said system wherein the criteria further includes flavor legal status [0011].

**Claim 5.** Said system wherein the flavor legal status is chosen from the group consisting of artificial, natural and artificial, natural flavor, natural type and natural WONF (artificial and natural flavor) [0011].

**Claim 6.** Said system wherein the criteria further includes solubility of the flavor (physical form such as water-soluble) [0016].

**Claim 7.** Said system wherein means for providing further prompts the user to identify the usage category for the chosen flavor (end use, for example candy) [0016].

**Claim 8.** Said system wherein the usage categories are selected from the group consisting of bakery, dairy, beverage, confections and oral care (candy) [0016].

**Claim 9.** Said system wherein means for providing further prompts the user to identify the usage category for the chosen flavor (end use, for example candy) [0016].

**Claim 10.** Said system wherein the usage categories are selected from the group consisting of bakery, dairy, beverage, confections and oral care (candy) [0016].

**Claim 11.** Said system wherein the means for providing also including means for permitting a user to select the preparation of a custom flavor [0015]; [0016].

**Claim 12.** Said system wherein the consumer workstations and the central processing hub are connected via the Internet [0015].

**Claim 13.** Said system further including means for providing general information regarding flavors (flavor type, end use, price) [0016].

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US 2003/0149635 to Burklow discloses a method ordering customized sweetener products through a communications network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mila Airapetian whose telephone number is (571) 272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mila Airapetian  
Examiner  
Art Unit 3625

ma



WYNN W. COGGINS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600